



Office de la propriété
intellectuelle
du Canada

Un organisme
d'Industrie Canada
www.opic.gc.ca

Canadian
Intellectual Property
Office

An Agency of
Industry Canada
www.cipo.gc.ca



January 30, 2009

RICHES, MCKENZIE & HERBERT LLP
1800 - 2 Bloor St. East
TORONTO Ontario
M4W 3J5

Application No. : 2,459,780
Owner : DISCOVERY COMMUNICATIONS, INC.
**Title : ELECTRONIC BOOK SELECTION AND DELIVERY SYSTEM
DOWNLOADING TEXT FROM A PORTABLE STORAGE
MEDIUM**
Classification : G06F 3/14 (2006.01)
Your File No. : P17804
Examiner : Tanya Novo-Verde

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on May 12, 2008.

The number of claims in this application is 20.

A search of the prior art has revealed the following:

Reference Applied:

PCT Application

D1: WO 93/09490 May 13, 1993

Saigh

D1 discloses an electronic personal library apparatus which stores portions of the information, including several separate book bank facilities received from memory modules which communicate with the control unit by an information network.

The examiner has identified the following defects in the application:

✓
FEB 05 2009

Canada

OPIC  CIPQ

Obviousness

Claims 1 to 20 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which it pertains having regard to D1 and in light of the common general knowledge in the art.

In light of the new reference cited by the examiner, the arguments raised in the applicant's correspondence received in this office on May 12, 2008 are considered moot.

As to claim 1, D1 discloses a method for storing text for electronic books to be displayed on a viewer, comprising:

- displaying an indication of a plurality of electronic books on a viewer (page 36 lines 8-11: *"program displays the menu of book titles available on the LCD screen"*);
- receiving a request to view one of the electronic books (page 36 lines 10-11: *"allows the selection of a book title and a page number by the apparatus operator"*);
- selectively displaying pages for the selected electronic book (page 36 lines 25-30: *"bookmark is set in the text data and the book data opened to the bookmark, the LCD screen displays the book text data. the program monitors the scroll time and advances the displayed page"*; Figure 13A item 212); and
- downloading text material for the selected electronic book from a portable storage medium (page 5, lines 32-36: *"text of several books...may be stored on each individual compact cylinder of a consumer...consumer may then later retrieve the information stored on the compact cylinder"*; page 8 lines 32-35: *"reading in information from a separate programmable memory module and visually displaying the read in data...on a display screen"*; Figure 1 item 24).

As to claim 2, D1 does not specifically disclose the method of claim 1, wherein the downloading step includes downloading the text material from at least one of the following: a smart card; an electronic memory card; and a PCMCIA card. However, D1 discloses a functional equivalent whereby D1 uses compact cylinders which store the encoded book information and are read by the portable device. These cylinders serve the same function as a smart card; an electronic memory card; and a PCMCIA card in that it is another portable device which stores memory. Additionally, such a feature is regarded to be more of a detail regarding different types of portable memory storage devices and does not entail an inventive concept.

As to claim 6, D1 discloses the method of claim 1, wherein the downloading step includes decrypting the text material (page 12 lines 17-20: *"converts the received information to the proper form and outputs the converted information"*).

As to claim 9, D1 does not specifically disclose the method of claim 1, wherein the downloading step includes limiting access to the text material based upon a time parameter. However, D1 does disclose a functional equivalent wherein D1 uses the control unit microprocessor to supply time

data and the predetermined time period is compared with the real time clock signal and determines whether or not the predetermined time period has expired after which point the data is erased. The use of the time data could easily be modified without the use of an inventive step so that a time limit is enforced when accessing the text material (page 39 lines 9-17).

As to claim 11, it is objected to as per the objections raised for claim 1. In addition to those objections D1 discloses a viewer for displaying electronic books, comprising:

- a portable viewer having a processor (abstract: "*control unit*"; page 12 lines 13-15: "*microprocessor controlled electronic system*"),
- a memory for storing instructions (page 8 line 4: "*memory module*"; Figures 1 and 2 item 22),
- a memory for storing electronic books (page 31 line 11: "*desired book title downloaded from the compact cylinder*"; Figure 1 item 24), and
- a display for displaying the electronic books, wherein the processor operates under control of the instructions to execute (page 9 line 14: "*LCD screen*"; Figures 1 and 2 item 48).

As to claim 12, it is objected to as per the objections raised for claim 2.

As to claim 16, it is objected to as per the objections raised for claim 6.

As to claim 19, it is objected to as per the objections raised for claim 9.

Dependent claims 3 to 5, 7, 8, 10, 13 to 15, 17, 18 and 20 do not define any additional features that would distinguish them from D1 and the common general knowledge in the art, hence the subject matter is deemed obvious.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

Tanya Novo-Verde
Patent Examiner
819-934-4891